

Louisiana State Board of Medical Examiners

Mailing Address: P.O. Box 30250, New Orleans, LA 70190-0250

Physical Address: 630 Camp Street, New Orleans, LA 70130

Phone: (504) 568-6816

Fax: (504) 568-5754

Web site: <http://www.lsbme.la.gov>

-----X
:
No. 15 – I – 423
:
:
In The Matter Of :
:
JOHN JOSEPH PALOPOLI, M.D. :
(Certificate No. 020897), : **CONSENT ORDER**
:
Respondent. :
:
-----X

An investigation was conducted on behalf of the Louisiana State Board of Medical Examiners (the "Board") of John Joseph Palopoli, M.D. ("Dr. Palopoli"), a physician licensed to practice medicine in the State of Louisiana as evidenced by Certificate Number 020897. Such investigation revealed that in August 2016, Dr. Palopoli plead guilty to one count of misprision of a felony in violation of Title 18, United States Code, Section 4, as a result of his practice at a New Orleans-area clinic that was the focus of a federal investigation into the illegal diversion of controlled dangerous substances ("CDS"). During a subsequent meeting with the Board's Investigating Officer ("I/O"), Dr. Palopoli acknowledged the above referenced activity, but on his own behalf explained that he was sincerely trying to assist the clinic patients and to wean them off of narcotics.

On December 7, 2016, Dr. Palopoli was sentenced to three years of probation by the Federal District Court for the Eastern District of Louisiana.¹ The terms of his probation include limitations on his medical practice, including a prohibition from prescribing controlled substances for the treatment of non-cancer related chronic pain, obesity, or addiction medicine; a prohibition of receiving remuneration from, or having any ownership interest in or association with, any clinic or practice setting that advertises or holds itself out to the public as a clinic or practice for the care and/or treatment of

¹ See *United States v. Palopoli*, No. 2:16-cr-00123-ILRL-JVM (E.D. La.) at Doc. Nos. 20 (Plea Agreement) and 31 (Judgment).

chronic pain, obesity, or substance addiction; and a prohibition from prescribing, dispensing, or administering any Schedule II or III controlled substances.

As evidenced by his subscription hereto, Dr. Palopoli acknowledges the accuracy of the foregoing information and that such acknowledgment and reported information could provide the I/O herein with a lawful basis to initiate formal administrative proceedings against him for violation of the Louisiana Medical Practice Act, La. Rev. Stat. §37:1285A(1), (2), (6) and (14),² constituting cause for such action against the physician's license to practice medicine in the state of Louisiana as the Board may deem appropriate.

Recognizing his right to written notification of any charges that may be asserted against him as a result of this investigation, as well as the right to administrative adjudication of such charges, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the charges made, and to a decision thereon by the Board based upon written findings of fact and conclusions of law, pursuant to La. Rev. Stat. §§49:955-965, Dr. Palopoli, nonetheless, hereby waives his right to formal adjudication and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. Dr. Palopoli also acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §49:951, *et seq.*, or to which he otherwise may be afforded by any law to contest his agreement to or the force and effect of the Board's investigation or this document in any court or other forum. By his subscription hereto, Dr. Palopoli also hereby authorizes the I/O designated by the Board with respect hereto, to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation, and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Palopoli expressly acknowledges that the disclosure of such information to the Board by the I/O shall be without prejudice to the I/O's authority to proceed with the filing and adjudication of an Administrative Complaint against him or to the Board's capacity to adjudicate such Complaint, should the Board decline to approve this Consent Order.

Based upon the information provided, accordingly, and upon the recommendation of the I/O assigned to this matter, the Board has concluded that its responsibility to insure the health, safety and welfare of the citizens of this state, pursuant to La. Rev. Stat. §37:1261, will be effectively served by entry of the Order set forth hereinafter by

²The Board may take action against a physician licensed to practice in this state as a result of: '(1) [C]onviction of a crime or entry of a plea of guilty or nolo contendere to a criminal charge constituting a felony under the laws of Louisiana or of the United States;' '(2) [C]onviction of a crime or entry of a plea of guilty or nolo contendere to any criminal charge arising out of or in connection with the practice of medicine;' '(6) [P]rescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification therefore or in other than a legal or legitimate manner;' and, '(14) [C]ontinuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state.' La. Rev. Stat. §37:1285A(1), (2), (6) and (14).

consent. Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that John Joseph Palopoli, M.D. is hereby **OFFICIAL REPRIMANDED** for the aforementioned conduct.

IT IS FURTHER ORDERED THAT the license of Dr. Palopoli to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 020897 shall be placed **ON PROBATION** for a period of three (3) years from the effective date hereof;³ *provided, however*, that Dr. Palopoli's license to practice medicine and his continuing exercise of the rights and privileges granted to him thereby, shall be subject to his acceptance of and strict compliance with the following terms, conditions and restrictions:

(1) Prescription, Dispensation, Administration of Controlled Substances - Prohibitions. Dr. Palopoli shall not, for the duration of the probationary period, prescribe (i) any controlled substance which may be classified, defined, enumerated or included in 21 C.F.R. §§1308.11-.15, La. Rev. Stat. §40:964, as a Schedule II or III controlled substance; or (ii) any substance which may hereafter be designated a controlled substance by amendment or supplementation of such regulations and statute. The prohibitions contained in this paragraph shall not prohibit Dr. Palopoli from ordering controlled substances or other medications for administration to in-patients of and at a hospital or institution where he is employed or exercises staff and clinical privileges under the authority of the controlled substance license and registration of such hospital or institution and in accordance with such hospital or institution's policies and procedures governing the ordering and administration of controlled substances. In accordance with this prohibition, Dr. Palopoli shall surrender any dispensing registrations which he has been previously granted by this Board.

(2) Continuing Medical Education - Proper Prescribing, Maintaining Boundaries, and Medical Ethics. Prior to the completion of the first year of the probationary period, Dr. Palopoli shall undertake one or more courses of study in the area of proper prescribing of controlled substances, as well as the course entitled "Maintaining Proper Boundaries" offered by the Vanderbilt Center for Professional Health. Furthermore, prior to the completion of the probationary period, Dr. Palopoli shall undertake one or more courses of study in the area of medical ethics. All courses required by this provision shall be comprehensive in nature, and pre-approved by the Board or its designee.

(3) Continuing Medical Education. Dr. Palopoli shall obtain not less than fifty (50) credit hours per year for each of the three (3) years of his probationary

³Should the term of probation imposed upon Dr. Palopoli as a result of his federal conviction be reduced, the Board will accept Dr. Palopoli's request for modification of the probationary period imposed by this Order, which application the Board may accept or reject in its sole discretion.

period through attendance at and participation in continuing medical education ("CME") programs accredited by the American Medical Association. On or before the anniversary date of the effective date of this Order, for each of the next three (3) years, Dr. Palopoli shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding twelve (12) months.

(4) Payment of Fine. Dr. Palopoli shall pay a fine of \$5,000 to the Board, which payment shall be made within one (1) year of the acceptance of this Order by the Board.

(5) Probation Monitoring Fee. For each year of the probationary term, Dr. Palopoli shall pay the Board a probation monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the initial fee shall be due not later than sixty (60) days from the effective date of this Order. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.

(6) Cooperation with Board's Probation and Compliance Officer. Dr. Palopoli shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and professional addresses and telephone numbers and he shall direct all matters required pursuant to this Consent Order to the attention of the Probation and Compliance Officer, with whom he shall cooperate on all matters and inquiries pertaining to his compliance with the terms, conditions and restrictions of this Consent Order.

(7) Absence from the State/Practice/Effect on Probation. Should Dr. Palopoli at any time during the period of probation ordered herein be absent from the state of Louisiana, relocate to and/or take up residency in another state or country, or discontinue practicing as a physician, for a period of thirty (30) days or more, he will so advise the Board in writing. In such instance, the probationary period ordered herein shall be deemed interrupted and extended for no less than the period of time during which he was not engaged in practice or was absent from the state of Louisiana; however, all terms and conditions may continue to be in effect as ordered or may be modified or altered as needed at the Board's discretion..

(8) Certification of Compliance with Probationary Terms/Personal Appearance. At least sixty (60) days prior to the conclusion of the probationary period, Dr. Palopoli shall provide the Board with an affidavit certifying that he has complied with each of the terms and conditions of probation imposed by this Order and he shall contact the Board and arrange for a personal appearance before the Board at its meeting preceding the expiration of his probationary period. The probationary period and all of its terms and conditions shall be, and shall be deemed to be, extended and continued in full force and effect pending Dr. Palopoli's compliance with the requirements of this provision.

(9) **Effect of Violation/Sanction.** By his subscription hereto, Dr. Palopoli acknowledges that his receipt of written notification from the Board or its designee that it has received apparently reliable information which indicates his failure to comply with the requirements set forth by this Order in any respect shall, without the need for formal hearing or for providing him with any right to which he may otherwise be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 *et seq.*, or which otherwise may be afforded to him by law, constitute his irrevocable consent to the immediate suspension of his license to practice medicine in this state pending the issuance of a decision by the Board following administrative adjudication of such charges or by Consent or other Order issued by the Board.

(10) **Effective Date.** This Consent Order shall be effective the date it is approved and accepted by the Board as shown by the signature of its representative below.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Dr. Palopoli shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Palopoli's license to practice medicine in the state of Louisiana, or for such other disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1285.

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

New Orleans, Louisiana, this 16th day of May, 2017.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: K. Barton Farris
K. Barton Farris, M.D.
PRESIDENT

Acknowledgement and Consent on Following Page

STATE OF LA
PARISH/COUNTY OF ST. TAMMANY

**ACKNOWLEDGMENT
AND CONSENT**

I, JOHN JOSEPH PALOPOLI, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 2 day of May, 2017.

John J. Palopoli, M.D.
JOHN JOSEPH PALOPOLI, M.D.

WITNESSES:

Kelly G. Smith
Signature

Kelly G. Smith
Typed Name

120 Lisa Lane Mandeville LA
Address 70448

Stacy Tadlock
Signature

Stacy Tadlock
Typed Name

120 Lisa Lane Mandeville LA 70448
Address

Sworn to and subscribed before me at Mandeville, Louisiana, this 2 day of MAY, 2017, in the presence of the two stated witnesses.

[Signature]
Notary Public

Print name Jesse L. Wimberly III

Bar/Notary No.: 13587

JESSE L. WIMBERLY, III
NOTARY PUBLIC-LOUISIANA
BAR NO: 13587
COMMISSION IS FOR LIFE